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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

NATALIA S. ROCHA et al., Plaintiffs and Appellants, v. JAMES SEALEY, Defendant and Respondent.	B287227 (Los Angeles County Super. Ct. No. BC610902)

APPEAL from a judgment of the Superior Court of Los Angeles County. Patrick T. Madden, Judge. Affirmed.

Natalia S. Rocha, in pro. per., for Plaintiff and Appellant Rocha.

Filemon R. Lopez, in pro. per., for Plaintiff and Appellant Lopez.

Niddrie Addams Fuller Singh, John S. Addams; Law Offices of Keevil L. Markham, Keevil L. Markham and Jane O. Matsuda for Defendant and Respondent.

Natalia S. Rocha and Filemon R. Lopez's (Appellants) personal injury complaint was dismissed when they left the courtroom with the stated purpose of finding another judge to try the case. Appellants' decision to leave followed the trial judge's rulings against them on motions in limine and an unsuccessful attempt to disqualify the judge under Code of Civil Procedure section 170.6.[1] The trial court warned Appellants that the court would dismiss the case if they left, but Appellants nevertheless did so.

The trial court dismissed the complaint pursuant to section 581, subdivision (d), on the ground that Appellants abandoned the trial. We find no error in the decision. Appellants have not presented any coherent argument on appeal, and the trial court's ruling was supported by law and the facts. We therefore affirm.

BACKGROUND

Appellants filed separate complaints against respondent James Sealey for damages sustained in an automobile accident that occurred on May 27, 2014. The complaints were ordered consolidated on August 18, 2016.

Trial was set for November 29, 2017. On that date, the case was assigned to Judge Patrick T. Madden in Long Beach for trial after the parties answered ready. Judge Madden ordered the parties to appear on December 1, 2017, to permit the court to review the file, including the 10 motions in limine that Sealey had filed.

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[1] Subsequent undesignated statutory references are to the Code of Civil Procedure.

At the next appearance on December 1, 2017, the court issued a four-page ruling on the in limine motions, largely granting the motions. The court discussed the rulings with Appellants and permitted them to review the written order with an interpreter.

The court then discussed with the parties how the trial would proceed. All parties said they were ready for trial, and a panel of thirty prospective jurors was sworn. Because of the time, the jurors were dismissed for the day and the jurors and parties were ordered to return to court on December 4, 2017.

On that date, Appellants filed an affidavit of prejudice, challenging Judge Madden pursuant to section 170.6. The court denied the challenge as untimely.

The trial court's written order explains what then transpired: "Plaintiffs thereafter stated that they wanted the case transferred to Los Angeles for another judge to try the case. It was explained that this was not possible. The case would be tried in Department S28 by Judge Madden. Plaintiffs then stated they were leaving the courtroom and would go to Los Angeles to obtain another judge for the trial of the case. The court advised plaintiffs that no other judge would try the case and if they left the courtroom, the case would be dismissed. Thereafter, plaintiffs left the courtroom." Counsel for Sealey then made an oral motion for dismissal, which the court granted.

The trial court prepared a written order explaining the dismissal. The court found that Appellants abandoned their case at trial. The court cited section 581, subdivision (d), which provides that "the court shall dismiss the complaint, or any cause of action asserted in it, in its entirety or as to any defendant, with prejudice, when upon the trial and before the final submission of the case, the plaintiff abandons it." The court also cited *Stueve v.*

Nemer (2017) 7 Cal.App.5th 746, 751–752 (*Stueve*), for the proposition that a case is brought to trial "when a jury panel is brought to a courtroom for trial and is sworn."

DISCUSSION

1. Appellants Have Failed to Meet Their Obligations on Appeal

A trial court's judgment is presumed to be correct, and it is an appellant's burden to affirmatively show error. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) To do so, an appellant must "present meaningful legal analysis supported by citations to authority and citations to facts in the record that support the claim of error." (*In re S.C.* (2006) 138 Cal.App.4th 396, 408.) A point that is asserted without argument or authority may be deemed to be without foundation. (*Ibid.*)

From Appellants' briefs, we are not able to discern the basis for their claim of error, much less any foundation in the law or the record for such a claim. Appellants' decision to represent themselves does not exempt them from the requirements of appellate practice. (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246–1247.) A party who represents himself or herself " 'is to be treated like any other party and is entitled to the same, but no greater consideration than other litigants and attorneys.' " (*Id.* at p. 1247.) In the absence of any articulated legal ground for reversal or coherent argument to support it, we will affirm the judgment.

2. The Trial Court Did Not Err in Dismissing the Complaints

Despite the lack of any stated basis for reversal, we have reviewed the appellate record and find no ground to reverse the judgment. Appellants chose to disregard the trial court's warning that their case would be dismissed if they did not proceed with

the trial. As the trial court correctly noted, trial began when the jury panel was sworn. (*Stueve, supra,* 7 Cal.App.5th at pp. 748, 751–752.) Moreover, Appellants' statements (as reflected in the trial court's order) show an affirmative intention to abandon the case by looking for another judge, which they had no legal right to do.[2]

Appellants have not identified any error in the trial court's in limine rulings. In any event, if Appellants believed that the trial court committed error in ruling on the admission of evidence prior to trial, their remedy was not to abandon the case in search of a different judge, but to proceed with trial and raise their issues of evidentiary error on appeal from the final judgment. Having abandoned the case before the conclusion of trial, Appellants cannot demonstrate prejudice from the trial court's pretrial rulings on the admissibility of evidence. They cannot show *any* outcome at trial, much less demonstrate that the outcome would have been different if the trial court had not committed the claimed error. (See *Waller v. TJD, Inc.* (1993) 12 Cal.App.4th 830, 833 ["When the trial court commits error in ruling on matters relating to pleadings, procedures, or other

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[2] Appellants did not provide a reporter's transcript on appeal. We therefore presume that events transpired as recorded in the trial court's written order. (See *Foust v. San Jose Construction Co., Inc.* (2011) 198 Cal.App.4th 181, 186–188 [declining to consider appellate arguments dependent on the facts in the absence of a reporter's transcript]; *Stasz v. Eisenberg* (2010) 190 Cal.App.4th 1032, 1039 ["It is Stasz's obligation as appellant to present a complete record for appellate review, and in the absence of a required reporter's transcript and other documents, we presume the judgment is correct"].)

preliminary matters, reversal can generally be predicated thereon only if the appellant can show resulting prejudice, and the probability of a more favorable outcome, *at trial*"].)

The trial court also did not err in denying Appellants' challenge under section 170.6. The challenge was not timely. When a case is assigned for trial under a master calendar procedure, "the motion shall be made to the judge supervising the master calendar not later than the time the cause is assigned for trial." (§ 170.6, subd. (a)(2).) Moreover, "[i]n no event shall a judge . . . entertain the motion if it is made after the drawing of the name of the first juror." (*Ibid.*)

DISPOSITION

The judgment is affirmed. Sealey is entitled to his costs on appeal.

NOT TO BE PUBLISHED.

LUI, P. J.

We concur:

ASHMANN-GERST, J.

HOFFSTADT, J.